ENVIRONMENTAL QUALITY

CHAPTER 8

AIR QUALITY

Sub-Chapter 15

Compliance Assurance Monitoring

Sub-Chapter 15

Compliance Assurance Monitoring

17.8.1501 DEFINITIONS As used in this subchapter, unless indicated otherwise, the following definitions apply:

(1) The terms "air quality operating permit" or "permit", "air quality permit revision" or "permit revision", "applicable requirement", "emissions unit", "major source", and "regulated air pollutant" have the same meaning as provided under ARM 17.8.1201.

(2) "Air quality operating permit application" or "permit application" mean an application (including any supplement to a previously submitted application) that is submitted by the owner or operator to obtain an operating permit pursuant to ARM Title 17, chapter 8, subchapter 12.

(3) "Capture system" means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a pollutant to a control device.

(4) "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

(a) is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

(b) provides data either in units of the standard or correlated directly with the compliance limit.

(5) "Control device" means equipment, other than inherent process equipment, that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices (such as carbon beds), condensers, scrubbers (such as wet collection and gas absorption devices), selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems (such as water, steam, ammonia, sorbent or limestone injection), and combustion devices independent of the particular process being conducted at an emissions unit (for example, the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters).

(a) For purposes of this subchapter, a control device does not include passive control measures that act to prevent pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular pollutant-specific emissions unit, then that definition shall be binding for purposes of this subchapter.

(6) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

(7) "Emission limitation or standard" means any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions (for example, pounds of SO_2 per hour, pounds of SO_2 per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO_2) or as the relationship of uncontrolled to controlled emissions (for example, percentage capture and destruction efficiency of VOC or percentage reduction of SO_2). An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of this subchapter, an emission limitation or standard shall not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, to operate and maintain sources in accordance with good air pollution control practices, to develop and maintain a malfunction abatement plan, to keep records, submit reports, or conduct monitoring.

(8) "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

(9) "Excursion" means a departure from an indicator range established for monitoring under this subchapter, consistent with any averaging period specified for averaging the results of the monitoring.

(10) "FCAA" means the Federal Clean Air Act, as amended.

(11) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of this subchapter, inherent process equipment is not considered a control device.

(12) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Recordkeeping may be considered monitoring where such records are used to determine or assess compliance with an emission limitation or standard (such as records of raw material content and usage, or records documenting compliance with work practice requirements). The conduct of compliance method tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis may be considered monitoring (or as a supplement to other monitoring), provided that requirements to conduct such tests on a one-time basis or at such times as a regulatory authority may require on a non-regular basis are not considered monitoring requirements for purposes of this paragraph. Monitoring may include one or more than one of the following data collection techniques, where appropriate for a particular circumstance:

(a) continuous emission or opacity monitoring systems.

(b) continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

(c) emission estimation and calculation procedures (for example, mass balance or stoichiometric calculations).

(d) maintenance and analysis of records of fuel or raw materials usage.

(e) recording results of a program or protocol to conduct specific operation and maintenance procedures.

(f) verification of emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

(g) visible emission observations.

(h) any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

(13) "Monitoring malfunction" means any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused entirely or in part by poor maintenance or careless operation are not malfunctions.

(14) "Owner or operator" means any person who owns, leases, operates, controls or supervises a stationary source subject to this subchapter.

(15) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated air pollutant.

(16) "Potential to emit" shall have the same meaning as provided under ARM 17.8.1201(26), provided that it shall be applied with respect to an "emissions unit" as defined in ARM 17.8.1201(15) in addition to a "stationary source" as defined in ARM 17.8.1201(33).

(17) "Predictive emission monitoring system (PEMS)" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1502 INCORPORATION BY REFERENCE (1) For purposes of this subchapter, the board hereby adopts and incorporates by reference the following:

(a) 40 CFR part 72.2, which contains the definition of utility unit;

(b) 40 CFR part 75, which describes the continuous emission monitoring requirements for acid rain sources subject to Title IV of the FCAA;

(c) 40 CFR part 51.214 and 40 CFR Part 51, Appendix P, which set forth EPA minimum emissions monitoring requirements for the state implementation plan;

(d) 40 CFR part 60.13 and 40 CFR Part 60, Appendix B, which set forth EPA performance specification and test procedures for continuous emission monitoring systems for new stationary sources;

(e) 40 CFR Part 63, which sets forth monitoring requirements and performance specifications for source categories of hazardous air pollutants; and

(f) 40 CFR Part 266, subpart H and Appendix IX, which set forth compliance and monitoring requirements for boilers and industrial furnaces.

(2) A copy of materials incorporated by reference in this subchapter is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: (800) 553-6847 or (703) 605-6000; fax: (703) 605-6900; email: orders@ntis.gov; web: http://www.ntis.gov;

(b) National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198 or (513) 489-8190; fax: (513) 489-8695; email: ncepimal@one.net; web: http://www.epa.gov/ncepihom;

(c) U.S. Government Printing Office, Information Dissemination (Superintendent of Documents), P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800 or (202) 512-1800; fax: (202) 512-2104; email: orders@gpo.gov; web: http://www.gpoaccess.gov; and

(d) the libraries of each of the 10 EPA regional offices.

(4) Copies of the CFR may be obtained from the U.S. government printing office, as described in (3)(c). (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00; AMD, 2005 MAR p. 959, Eff. 6/17/05.)

17.8.1503 APPLICABILITY (1) Except for backup utility units that are exempt under (3) below, the requirements of this subchapter shall apply to a pollutant-specific emissions unit at a major source that is required to obtain an air quality operating permit if the unit satisfies all of the following criteria:

(a) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under (2) below;

(b) The unit uses a control device to achieve compliance with any such emission limitation or standard; and

(c) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this paragraph, "potential pre-control device emissions" shall have the same meaning as "potential to emit", as defined in ARM 17.8.1501(16), except that emission reductions achieved by the applicable control device shall not be taken into account.

(2) The requirements of this subchapter shall not apply to any of the following emission limitations or standards:

(a) emission limitations or standards proposed by the administrator of the EPA after November 15, 1990, pursuant to section 7411 or 7412 of the FCAA.

(b) stratospheric ozone protection requirements under Title VI of the FCAA.

(c) acid rain program requirements pursuant to sections 7651c, 7651d, 7651e, 7651f(a) or (b), or 7651i of the FCAA.

(d) emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the administrator under the FCAA that allows for trading emissions within a source or between sources.

(e) an emissions cap that meets the requirements specified in ARM 17.8.1224(4).

(f) emission limitations or standards for which an air quality operating permit specifies a continuous compliance determination method, as defined in ARM 17.8.1501(4). The exemption provided in this subsection shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test; in this example, the requirements of this subchapter would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage).

(3) The requirements of this subchapter shall not apply to a utility unit, as defined in 40 CFR part 72.2, that is municipally-owned if the owner or operator provides documentation in an air quality operating permit application that:

(a) The utility unit is exempt from all monitoring requirements in 40 CFR part 75 (including the appendices thereto);

(b) The utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the permit term. The owner or operator shall provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and

(c) The actual emissions from the utility unit, based on the average annual emissions over the last 3 calendar years of operation (or such shorter time period that is available for units with fewer than 3 years of operation) are less than 50 percent of the amount in tons per year required for a source to be classified as a major source and are expected to remain so. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1504 GENERAL CRITERIA FOR MONITORING DESIGN (1) To provide a reasonable assurance of compliance with emission limitations or standards for the anticipated range of operations at a pollutant-specific emissions unit, monitoring under this subchapter shall meet the following general criteria:

(a) The owner or operator shall design the monitoring to obtain data for one or more indicators of emission control performance for the control device, any associated capture system and, if necessary to satisfy (1)(b) below, processes at a pollutant-specific emissions unit. Indicators of performance may include, but are not limited to, direct or predicted emissions (including visible emissions or opacity), process and control device parameters that affect control device (and capture system) efficiency or emission rates, or recorded findings of inspection and maintenance activities conducted by the owner or operator.

(b) The owner or operator shall establish an appropriate range(s) or designated condition(s) for the selected indicator(s) such that operation within the range(s) provide a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions. Such range(s) or condition(s) shall reflect the proper operation and maintenance of the control device (and associated capture system), in accordance with applicable design properties, for minimizing emissions over the anticipated range of operating conditions at least to the level required to achieve compliance with the applicable requirements. The reasonable assurance of compliance will be assessed by maintaining performance within the indicator range(s) or designated condition(s). The range(s) shall be established in accordance with the design and performance requirements in this rule, ARM 17.8.1505 and 17.8.1506, and documented in accordance with the requirements in 17.8.1507 and 17.8.1508. If necessary to assure that the control device and associated capture system can satisfy this criterion, the owner or operator shall monitor appropriate process operational parameters (such as total throughput where necessary to stay within the rated capacity for a control device). In addition, unless specifically stated otherwise by an applicable requirement, the owner or operator shall monitor indicators to detect any bypass of the control device (or capture system) to the atmosphere, if such bypass can occur based on the design of the pollutant-specific emissions unit.

(c) The design of indicator ranges or designated conditions may be:

(i) based on a single maximum or minimum value if appropriate (for example, maintaining condenser temperatures a certain number of degrees below the condensation temperature of the applicable compound(s) being processed) or at multiple levels that are relevant to distinctly different operating conditions (for example, high versus low load levels).

(ii) expressed as a function of process variables (for example, an indicator range expressed as minimum to maximum pressure drop across a venturi throat in a particulate control scrubber).

(iii) expressed as maintaining the applicable parameter in a particular operational status or designated condition (for example, position of a damper controlling gas flow to the atmosphere through a bypass duct).

(iv) established as interdependent between more than one indicator. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1505 PERFORMANCE CRITERIA AND EVALUATION FACTORS FOR MONITORING DESIGN (1) The owner or operator shall design the monitoring to meet the following performance criteria:

(a) specifications that provide for obtaining data that are representative of the emissions or parameters being monitored (such as detector location and installation specifications, if applicable).

(b) for new or modified monitoring equipment, verification procedures to confirm the operational status of the monitoring prior to the date by which the owner or operator must conduct monitoring under this subchapter as specified in ARM 17.8.1511(1). The owner or operator shall consider the monitoring equipment manufacturer's requirements or recommendations for installation, calibration, and start-up operation.

(c) quality assurance and control practices that are adequate to ensure the continuing validity of the data. The owner or operator shall consider manufacturer recommendations or requirements applicable to the monitoring in developing appropriate quality assurance and control practices.

(d) specifications for the frequency of conducting the monitoring, the data collection procedures that will be used (for example, computerized data acquisition and handling, alarm sensor, or manual log entries based on gauge readings), and, if applicable, the period over which discrete data points will be averaged for the purpose of determining whether an excursion or exceedance has occurred.

(i) At a minimum, the owner or operator shall design the period over which data are obtained and, if applicable, averaged consistent with the characteristics and typical variability of the pollutant-specific emissions unit (including the control device and associated capture system). Such intervals shall be commensurate with the time period over which a change in control device performance that would require actions by the owner or operator to return operations within normal ranges or designated conditions is likely to be observed.

(ii) For all pollutant-specific emissions units with the potential to emit, calculated including the effect of control devices, the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, for each parameter monitored, the owner or operator shall collect four or more data values equally spaced over each hour and average the values, as applicable, over the applicable averaging period as determined in accordance with (1)(d)(i) above. The department may approve a reduced data collection frequency, if appropriate, based on information presented by the owner or operator concerning the data collection mechanisms available for a particular parameter for the particular pollutant-specific emissions unit (for example, integrated raw material or fuel analysis data, noninstrumental measurement of waste feed rate or visible emissions, use of a portable analyzer or an alarm sensor).

(iii) For other pollutant-specific emissions units, the frequency of data collection may be less than the frequency specified in (1)(d)(ii) above, but the monitoring shall include some data collection at least once per 24-hour period (for example, a daily inspection of a carbon adsorber operation in conjunction with a weekly or monthly check of emissions with a portable analyzer).

(2) In designing monitoring to meet the requirements in ARM 17.8.1504 and (1) above, the owner or operator shall take into account site-specific factors including the applicability of existing monitoring equipment and procedures, the ability of the monitoring to account for process and control device operational variability, the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

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17.8.1506 SPECIAL CRITERIA FOR MONITORING DESIGN (1) If a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS) or predictive emission monitoring system (PEMS) is required pursuant to other authority under the FCAA or state or local law, the owner or operator shall use such system to satisfy the requirements of this subchapter.

(2) The use of a CEMS, COMS, or PEMS that satisfies any of the following monitoring requirements shall be deemed to satisfy the general design criteria in ARM 17.8.1504 and 17.8.1505, provided that a COMS may be subject to the criteria for establishing indicator ranges under ARM 17.8.1504:

(a) 40 CFR part 51.214 and appendix P of 40 CFR part 51;

(b) 40 CFR part 60.13 and appendix B of 40 CFR part 60;

(c) 40 CFR part 63.8 and any applicable performance specifications required pursuant to the applicable subpart of 40 CFR part 63;

(d) 40 CFR part 75;

(e) subpart H and appendix IX of 40 CFR part 266; or

(f) If an applicable requirement does not otherwise require compliance with the requirements listed in (2)(a) through (e) above, comparable requirements and specifications established by the department.

(3) The owner or operator shall design the monitoring system subject to this rule to:

(a) allow for reporting of exceedances (or excursions if applicable to a COMS used to assure compliance with a particulate matter standard) consistent with any period for reporting of exceedances in an underlying requirement. If an underlying requirement does not contain a provision for establishing an averaging period for the reporting of exceedances or excursions, the criteria used to develop an averaging period in ARM 17.8.1505(1)(d) shall apply; and

(b) provide an indicator range consistent with ARM 17.8.1504 for a COMS used to assure compliance with a particulate matter standard. If an opacity standard applies to the pollutant-specific emissions unit, such limit may be used as the appropriate indicator range unless the opacity limit fails to meet the criteria in ARM 17.8.1504 after considering the type of control device and other site-specific factors applicable to the pollutant-specific emissions unit. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1507 SUBMITTAL REQUIREMENTS FOR MONITORING INDICATORS AND PRESUMPTIVELY ACCEPTABLE MONITORING (1) The owner or operator shall submit to the department monitoring that satisfies the design requirements in ARM 17.8.1504 through 17.8.1506. The submission shall include the following information:

(a) the indicators to be monitored to satisfy ARM 17.8.1504 (1)(a) and (b);

(b) the ranges or designated conditions for such indicators, and the process by which such indicator ranges or designated conditions shall be established, or revised;

(c) the performance criteria for the monitoring to satisfy ARM 17.8.1505(1); and

(d) if applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS pursuant to ARM 17.8.1506, including the process by which indicator ranges or designated conditions shall be established or revised.

(2) As part of the information submitted, the owner or operator shall submit a justification for the proposed elements of the monitoring. If the performance specifications proposed to satisfy ARM 17.8.1505(1)(b) or (c) include differences from manufacturer recommendations, the owner or operator shall explain the reasons for the differences between the requirements proposed by the owner or operator and the manufacturer's recommendations or requirements. The owner or operator also shall submit any data supporting the justification, and may refer to generally available sources of information used to support the justification (such as generally available air pollution engineering manuals, or EPA or department publications on appropriate monitoring for various types of control devices or capture systems). To justify the appropriateness of the monitoring elements proposed, the owner or operator may rely in part on existing applicable requirements that establish the monitoring for the applicable pollutant-specific emissions unit or a similar unit. If an owner or operator relies on presumptively acceptable monitoring, no further justification for the appropriateness of that monitoring should be necessary other than an explanation of the applicability of such monitoring to the unit in question, unless data or information is brought forward to rebut the presumption. Presumptively acceptable monitoring includes:

(a) presumptively acceptable or required monitoring approaches, established by the department in a rule that constitutes part of the applicable implementation plan required pursuant to Title I of the FCAA, that are designed to achieve compliance with this subchapter for particular pollutant-specific emissions units;

(b) continuous emission, opacity or predictive emission monitoring systems that satisfy applicable monitoring requirements and performance specifications as specified in ARM 17.8.1506;

(c) excepted or alternative monitoring methods allowed or approved pursuant to 40 CFR part 75; and

(d) monitoring included for standards exempt from this subchapter pursuant to ARM 17.8.1503(2)(a) or (f) to the extent such monitoring is applicable to the performance of the control device (and associated capture system) for the pollutant-specific emissions unit.

(e) presumptively acceptable monitoring identified in guidance by the EPA. Such guidance may be sufficient for purposes of this rule and ARM 17.8.1508(1) and (2), or additional information may be required. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1508 ADDITIONAL SUBMITTAL REQUIREMENTS REGARDING OPERATING PARAMETER DATA, PERFORMANCE TESTING, IMPLEMENTATION PLANS AND MULTIPLE UNITS AND CONTROL DEVICES (1) Except as provided in (3) below, the owner or operator shall submit control device (and process and capture system, if applicable) operating parameter data obtained during the conduct of the applicable compliance or performance test conducted under conditions specified by the applicable rule. If the applicable rule does not specify testing conditions or only partially specifies test conditions, the performance test generally shall be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit. Such data may be supplemented, if desired, by engineering assessments and manufacturer's recommendations to justify the indicator ranges (or, if applicable, the procedures for establishing such indicator ranges). Emission testing is not required to be conducted over the entire indicator range or range of potential emissions.

(2) The owner or operator must document that no changes to the pollutant-specific emissions unit, including the control device and capture system, have taken place that could result in a significant change in the control system performance or the selected ranges or designated conditions for the indicators to be monitored since the performance or compliance tests described in (1) above were conducted.

(3) If existing data from unit-specific compliance or performance testing specified in (1) above are not available, the owner or operator:

(a) shall submit a test plan and schedule for obtaining such data in accordance with (4) below; or

(b) may submit indicator ranges (or procedures for establishing indicator ranges) that rely on engineering assessments and other data, provided that the owner or operator demonstrates that factors specific to the type of monitoring, control device, or pollutant-specific emissions unit make compliance or performance testing unnecessary to establish indicator ranges at levels that satisfy the criteria in ARM 17.8.1504.

(4) If the monitoring submitted by the owner or operator requires installation, testing, or other necessary activities prior to use of the monitoring for purposes of this subchapter, the owner or operator shall include an implementation plan and schedule for completing these or any other appropriate activities prior to use of the monitoring. The implementation plan and schedule shall provide for use of the monitoring as expeditiously as practicable after approval of the monitoring in the air quality operating permit pursuant to ARM 17.8.1510, but in no case shall the schedule for completing installation and beginning operation of the monitoring exceed 180 days after approval of the permit.

(5) If a control device is common to more than one pollutant-specific emissions unit, the owner or operator may submit monitoring for the control device and identify the pollutant-specific emissions units affected and any process or associated capture device conditions that must be maintained or monitored in accordance with ARM 17.8.1504 rather than submit separate monitoring for each pollutant-specific emissions unit.

(6) If a single pollutant-specific emissions unit is controlled by more than one control device similar in design and operation, the owner or operator may submit monitoring that applies to all the control devices and identify the control devices affected and any process or associated capture device conditions that must be maintained or monitored in accordance with ARM 17.8.1504 rather than submit a separate description of monitoring for each control device. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1509 DEADLINES FOR SUBMITTALS (1) For all pollutant-specific emissions units with the potential to emit (taking into account control devices to the extent appropriate under the definition of this term in ARM 17.8.1501(16) the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, the owner or operator shall submit the information required under ARM 17.8.1507 and 17.8.1508 at the following times:

(a) on or after April 20, 1998, the owner or operator shall submit information as part of an application for an initial air quality operating permit if, by that date, the application either:

(i) has not been filed; or

(ii) has not yet been determined to be complete by the department.

(b) On or after April 20, 1998, the owner or operator shall submit information as part of an application for a significant permit revision of an air quality operating permit, but only with respect to those pollutant-specific emissions units for which the proposed permit revision is applicable.

(c) The owner or operator shall submit any information not submitted under the deadlines set forth in (1)(a) and (b) above, as part of the application for the renewal of an air quality operating permit.

(2) For all other pollutant-specific emissions units subject to this subchapter and not subject to (1) above, the owner or operator shall submit the information required under ARM 17.8.1507 and 17.8.1508 as part of an application for a renewal of an air quality operating permit.

(3) The effective date for the requirement to submit information under ARM 17.8.1507 and 17.8.1508 shall be as specified pursuant to (1) and (2) above, and a permit reopening to require the submittal of information under this rule shall not be required pursuant to ARM 17.8.1228(1)(a), provided, however, that, if an air quality operating permit is reopened for cause by the department pursuant to ARM 17.8.1228(1)(c) or (d), the department may require the submittal of information under this rule for those pollutant-specific emissions units that are subject to this subchapter and that are affected by the permit reopening.

(4) Prior to approval of monitoring that satisfies this subchapter, the owner or operator is subject to the requirements of ARM 17.8.1212(1)(b). (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1510 APPROVAL OF MONITORING (1) Based on an application that includes the information submitted in accordance with ARM 17.8.1509, the department shall act to approve the monitoring submitted by the owner or operator by confirming that the monitoring satisfies the requirements in ARM 17.8.1504 through 17.8.1506.

(2) In approving monitoring under this rule, the department may condition the approval on the owner or operator collecting additional data on the indicators to be monitored for a pollutant-specific emissions unit, including required compliance or performance testing, to confirm the ability of the monitoring to provide data that are sufficient to satisfy the requirements of this subchapter and to confirm the appropriateness of an indicator range(s) or designated condition(s) proposed to satisfy ARM 17.8.1504(1)(b) and (c) and consistent with the schedule in ARM 17.8.1508(4).

(3) If the department approves the proposed monitoring, it shall establish one or more permit terms or conditions that specify the required monitoring in accordance with ARM 17.8.1212(1). At a minimum, the permit shall specify:

(a) the approved monitoring approach that includes all of the following:

(i) the indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter);

(ii) the means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS); and

(iii) the performance requirements established to satisfy ARM 17.8.1505(1) or 17.8.1506, as applicable.

(b) the means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under ARM 17.8.1511 and 17.8.1512. The permit shall specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may include the specific value(s) or condition(s) at which an excursion shall occur, and shall include the specific procedures that will be used to establish that value or condition. The permit shall specify appropriate notice procedures for the owner or operator to notify the department upon any establishment or reestablishment of the value.

(c) if an excursion from an indicator range is to be considered a per se violation of an emission limitation or permit term. Unless so designated, an indicator range shall not be enforceable as a violation of a permit term.

(d) the obligation to conduct the monitoring and fulfill the other obligations specified in ARM 17.8.1511 through 17.8.1513.

(e) if appropriate, a minimum data availability requirement for valid data collection for each averaging period, and, if appropriate, a minimum data availability requirement for the averaging periods in a reporting period.

(4) If the monitoring proposed by the owner or operator requires installation, testing or final verification of operational status, the air quality operating permit shall include an enforceable schedule with appropriate milestones for completing such installation, testing, or final verification consistent with the requirements in ARM 17.8.1513(4).

(5) If the department issues a draft permit that disapproves the proposed monitoring, the draft permit shall include monitoring that satisfies the requirements of ARM 17.8.1212(1)(b), and a compliance schedule for the source owner to submit monitoring that satisfies 17.8.1504 through 17.8.1508.

(6) If the department disapproves the proposed monitoring, the final permit shall include, at a minimum, monitoring that satisfies the requirements of ARM 17.8.1212(1)(b). The owner or operator shall comply with this monitoring until a plan for revised monitoring is implemented, as follows:

(a) the final permit shall include a compliance schedule for the owner or operator to submit monitoring that satisfies ARM 17.8.1504 through 17.8.1508. In no case shall the owner or operator be allowed to submit a plan for revised monitoring more than 180 days from the date of issuance of the final permit;

(b) if the owner or operator does not submit the plan for revised monitoring in accordance with the compliance schedule as required above, the owner or operator shall be deemed not in compliance with the requirements of this subchapter. If the department disapproves the monitoring submitted under the compliance schedule, and notwithstanding the owner or operator's compliance with monitoring that satisfies the requirements of ARM 17.8.1212(1)(b), the owner or operator shall be deemed not in compliance with the requirements of this subchapter, unless the owner or operator files a timely request for a hearing pursuant to 75-2-218(5), MCA, and successfully challenges the disapproval.

(7) If an appeal of the department's decision is filed with the board, the deadline for filing any implementation plan and schedule required under ARM 17.8.1508(4), or compliance schedule required under (6)(a) above, shall be tolled until the conclusion of the appeal process. If the board affirms the department's decision, the owner or operator shall comply with the implementation plan and schedule, or compliance schedule, as applicable. If the board rejects the department's decision, the board shall order the owner or operator to submit an implementation plan and schedule that provides for monitoring approved by the board as expeditiously as practicable. In no case may the owner or operator complete installation and begin operation of the monitoring more than 180 days from the date of the board's decision. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1511 OPERATION OF APPROVED MONITORING (1) The owner or operator shall conduct the monitoring required under this subchapter upon issuance of an air quality operating permit that includes such monitoring, or by such later date specified in the permit pursuant to ARM 17.8.1510(4).

(2) At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

(3) Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this subchapter, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused entirely or in part by poor maintenance or careless operation are not malfunctions.

(4) Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

(5) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance under (4) above, will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

(6) After approval of monitoring under this subchapter, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the department and, if necessary, submit a proposed modification to the air quality operating permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1512 QUALITY IMPROVEMENT PLAN REQUIREMENTS (1) Based on the results of a determination made under ARM 17.8.1511(5), the department may require the owner or operator to develop and implement a quality improvement plan (QIP). Consistent with ARM 17.8.1510(3)(d), the air quality operating permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, for requiring the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.

(2) Elements of a QIP are as follows:

(a) The owner or operator shall maintain a written QIP, if required, and have it available for inspection.

(b) The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

(i) improved preventive maintenance practices.

(ii) process operation changes.

(iii) appropriate improvements to control methods.

(iv) other steps appropriate to correct control performance.

(v) more frequent or improved monitoring (only in conjunction with one or more steps under (2)(b)(i) through (iv) above).

(3) If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the department if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

(4) Following implementation of a QIP, upon any subsequent determination pursuant to ARM 17.8.1511(5) the department may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

(a) failed to address the cause of the control device performance problems; or

(b) failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(5) Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the FCAA. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1513 REPORTING AND RECORDKEEPING REQUIREMENTS

(1) On and after the date specified in ARM 17.8.1511(1) by which the owner or operator must use monitoring that meets the requirements of this subchapter, the owner or operator shall submit monitoring reports to the department in accordance with ARM 17.8.1212(3)(b) and (c).

(2) A report for monitoring under this subchapter shall include, at a minimum, the information required under ARM 17.8.1212(3)(b) and (c) and the following information, as applicable:

(a) summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;

(b) summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and

(c) a description of the actions taken to implement a QIP during the reporting period as specified in ARM 17.8.1512. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

(3) The owner or operator shall comply with the recordkeeping requirements specified in ARM 17.8.1212(2). The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to ARM 17.8.1512 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this subchapter (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

(4) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)

17.8.1514 SAVINGS PROVISIONS (1) Nothing in this subchapter shall:

(a) excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the FCAA. The requirements of this subchapter shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the FCAA, including monitoring in permits issued pursuant to Title I of the FCAA. The purpose of this subchapter is to require, as part of the issuance of a permit under Title V of the FCAA, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this subchapter.

(b) restrict or abrogate the authority of the department to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the FCAA, including but not limited to sections 7414(a)(1) and 7661c(b), or state law, as applicable.

(c) restrict or abrogate the authority of the department to take any enforcement action under the FCAA for any violation of an applicable requirement or of any person to take action under section 7604 of the FCAA. (History: 75-2-217, 75-2-218, MCA; IMP, 75-2-217, 75-2-218, MCA; NEW, 2000 MAR p. 839, Eff. 3/31/00.)